

May 16, 2016
Springfield, Missouri

The City Council met in regular session May 16, 2016 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Bob Stephens. A moment of silence was observed.

Roll Call

Present: Phyllis Ferguson, Mike Schilling, Justin Burnett, Craig Fishel, Ken McClure, Jan Fisk, Craig Hosmer, Kristy Fulnecky, and Bob Stephens. Absent: None.

Minutes

No minutes were presented for approval.

Consent Agenda

Mayor Stephens noted there are two procedural items on the Consent Agenda pertaining to appropriation of money from the proceeds of the 1/4 Cent Capital Improvement Sales Tax and 1/8 Cent Transportation tax. He thanked the citizens of Springfield for their overwhelming support of these vital revenue sources.

The Consent Agenda was finalized and approved as presented.

Amended Council Bill No. 2016-064 from the table and refer the bill to the Finance and Administration Committee

Mayor Pro Tem McClure moved to remove Amended Council Bill No. 2016-064 from the table and refer the bill to the Finance and Administration Committee for further consideration and recommendation. Councilman Fishel seconded the motion and it was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Amended Council Bill 2015-324 Substitute 1 removed from table

Mayor Pro Tem McClure moved to remove Amended Council Bill 2015-324 Substitute 1 which is reflected as item number seven on the agenda, be removed from the table. Councilman Burnett seconded the motion and it was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

CEREMONIAL MATTERS

City Managers report and responses to questions raised at the previous City Council meeting:

Greg Burris, City Manager, responded all questions had been answered.

Mr. Burris noted the April Uniform Crime Report Statistics had been provided. He noted these now include comparison of April 2016 to April 2015 and year-to-date statistics.

Mr. Burris thanked the community and all those who participated and contributed to the Convey of Hope Springfield event on Saturday. He noted over 8,000 individuals were served. Convey of Hope will be working along the with the City and other partner organizations on the Zone Blitz events over the next 18 months.

Mr. Burris stated that John Berry, Deputy Director of Business Services from the

Missouri Secretary of State Office and Representatives from the City of Springfield will host a free educational session at the eFactory at 10:00 am on May 25, 2016. The information provided will include information on setting up a business, required filings, and resources that are available.

The following bills appeared on the agenda under Second Reading Bills:

**Carryover Fund
Balance**

Sponsor: Stephens. Council Bill 2015-324 Substitute 1. A special ordinance amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2015-2016, by appropriating the carryover fund balance and increasing expenses in the amount of \$3,213,570.

**Removed from Table
and Amended**

Councilman Fishel moved to amend Council Bill No. 2015-324 Substitute 1 by removing the Founder's Park - Phase 1 expenditure in the amount of \$300,000 and referring the Founder's Park - Phase 1 improvements to the Community Involvement Committee for further consideration and recommendation. Councilman Schilling seconded the motion and it was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Marianne Banks, Interim City Attorney noted based on the change in the title of the bill it would be necessary for the City Clerk to read the new title of the bill in an effort to comply with City Code and allow two readings to the bill.

**Amended Carryover
Fund Balance**

Sponsor: Stephens. Amended Council Bill 2015-324 Substitute 1. A special ordinance amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2015-2016, by appropriating the carryover fund balance and increasing expenses in the amount of \$2,913,570.

A public hearing was announced on the amendments to Amended Council Bill 2015-324 Substitute 1. With no appearances, the public hearing was continued until the May 31st City Council Meeting.

**Rezoning 608 and 614
West Mt. Vernon**

Tabled

Sponsor: Schilling. Amended Council Bill 2016-034. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.4077 acres of property, generally located at 608 and 614 West Mount Vernon Street, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District; establishing Conditional Overlay District No. 103; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Mount Vernon 608, LLC; 608 and 614 West Mount Vernon Street; Z-39-2015 & Conditional Overlay District No. 103.)

Councilman Fishel moved to table amended Council Bill 2016-034 to the next regularly scheduled City Council meeting. Councilwoman Ferguson seconded the motion and it was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 6323 and
6327 South Creeksedge
Court**

Sponsor: McClure. Council Bill 2016-093. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.45 acres of property, generally located at 6323 and 6327 South

Creeksedge Court, from Planned Development 209 to a R-SF, Residential Single-family District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Dogwood Ventures, LLC; 6323 & 6327 South Creeksedge Court; Z-3-2016.)

Council Bill 2016-093. General Ordinance 6276 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 3026-3156
North Oakland Avenue**

Sponsor: Fulnecky. Council Bill 2016-094. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 3.74 acres of property, generally located at 3026-3156 North Oakland Avenue, from an R-LD, Low-Density Multi-Family Residential District to an R-SF, Single-Family Residential District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Spring Meadow Estates, LTD; 3026-3156 N. Oakland Ave.; Z-5-2016.)

Council Bill 2016-094. General Ordinance 6277 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 500 block of
South Barnes Avenue**

Sponsor: Fishel. Council Bill 2016-095. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 2.6 acres of property, generally located in the 500 block of South Barnes Avenue, from an HM, Heavy Manufacturing with Conditional Overlay District No. 34, to an HM, Heavy Manufacturing with a Conditional Overlay District No. 106; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: O'Reilly Automotive Stores, Inc.; 500 block of South Barnes Avenue; Z-6-2016 Conditional Overlay District No. 106.)

Council Bill 2016-095. General Ordinance 6278 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Conditional Use Permit
No. 417**

Sponsor: Ferguson. Council Bill 2016-096. A special ordinance Authorizing the issuance of Conditional Use Permit No. 417 to allow a self-service storage facility within a GR, General Retail District, generally located at 506 West Edgewood Street. (Staff and Planning and Zoning Commission recommend approval.)

Council Bill 2016-096. Special Ordinance 26730 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

**Conditional Use Permit
No. 421**

Sponsor: Burnett. Council Bill 2016-097. A special ordinance authorizing the issuance of Conditional Use Permit No. 421 to allow a reduction of the front yard setback along Elm Street within an R-HD, High-Density Multi-Family residential District and UN, University Combining Overlay District, generally located at 1141 East Elm Street. (Staff and Planning and Zoning Commission recommend approval.)

Council Bill 2016-097. Special Ordinance 26731 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Fulnecky, and Stephens. Nays: Hosmer. Absent: None. Abstain: None.

**Special Obligation
Refunding Bonds,
Series 2016**

Sponsor: Hosmer. Council Bill 2016-099. A special ordinance authorizing and directing the issuance, sale and delivery by the City of Springfield, Missouri, of Special Obligation Refunding Bonds, Series 2016, in one or more series in an aggregate principal amount not to exceed \$29,000,000 for the purpose of providing funds to refund the Series 2002 Refunded Bonds, the Series 2005A Refunded Bonds, the Series 2005B Refunded Bonds, the Series 2006 Refunded Bonds, and the Series 2007 Refunded Bonds (as defined below); authorizing and approving certain documents in connection with the issuance of the Bonds; authorizing certain other documents and actions in connection therewith; and declaring an emergency.

Mayor Pro Tem McClure commended staff for reviewing these bonds and being fiscally responsible.

Council Bill 2016-099. Special Ordinance 26732 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Amend Chapter 74

Sponsor: Burnett. Council Bill 2016-100. A general ordinance amending the Springfield City Code, Chapter 74, Nuisance and Housing Code, Article II – Enforcement, Section 74-38(b)(2) - Cost, assessments, and nuisance-abatement lien, to add subparagraph “c,” providing that a special-tax bill shall be prima facie evidence of the validity of the bill, the doing of the work stated in the bill, and the liability of the property and the owner for the charges stated in the bill; including a savings and severability clause.

Mayor Pro Tem McClure asked for clarification regarding the action taken by the General Assembly in connection with nuisance properties. Marianne Banks, Interim City Attorney noted there had been some changes pertaining to the noticing of nuisance properties. Greg Burris, City Manager noted this change will make the noticing of nuisance properties more difficult.

Councilwoman Ferguson asked if the ownership of properties by L.L.C.’s make the notification more difficult. Ms. Banks responded there is no change to the difficulty of noticing these properties, which have always been difficult to notice.

Council Bill 2016-100. General Ordinance 6279 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

RESOLUTIONS.

The following bill appeared on the agenda under emergency bills:

**Contract with Southern
Missouri Judicial
Services**

Sponsor: Fisk. Council Bill 2016-106. A special ordinance authorizing the City Manager, or his designee, to enter into a contract with Southern Missouri Judicial Services for the transportation of City of Springfield, municipal prisoners and management of the temporary detention rooms for municipal prisoners awaiting

transport and declaring an emergency.

Paul Williams, Chief of Police provided a brief overview of the proposed. He stated utilizing this service will prevent the removal of officers from the field to provide transportation to outside jails. Chief Williams noted the proposed will also provide a temporary detention area for those prisoners awaiting transport. Chief Williams noted this will allow the department to utilize resources in the most efficient way until we gain access to our jail.

Councilwoman Fulnecky asked if this contract will utilize the initial \$500,000 budgeted for temporary jail options. Chief Williams answered affirmatively. Ms. Fulnecky asked for clarification regarding the requirements for numbers to transport prisoners. Chief Williams noted there is not a set number used to determine if a transport will be made.

Councilman Fishel asked if this filled in all current gaps. Chief Williams expressed his belief it would provide a temporary solution. Mr. Fishel thanked Chief Williams for his work on the proposed.

Councilwoman Ferguson asked if Southern Missouri Judicial Services provided private services. Chief Williams answered in the affirmative. Additionally, Chief Williams noted there will be at least one Class A Certified Law Enforcement Officer will be included in holding and each transport. Ms. Ferguson thanked Chief Williams and his staff for the work on the proposed.

Councilman Hosmer asked for clarification of how many cells were available at the Southside Police Station. Chief Williams responded there are three cells which could potentially hold up to 9 individuals. Mr. Hosmer also asked for clarification of the terms of the contract and when they would start utilizing the service. Chief Williams noted they will be paid for hours worked and mileage driven and he anticipates starting on May 31, 2016.

An opportunity was given for citizens to express their views.

Tim Havens spoke in support of the proposed, however, he expressed his concern the prisoners that are released in other counties have no transportation back to Springfield and could lead to someone being hurt. He asked Council to amend the proposed to bring people back to Springfield before 3:00 pm and not on Fridays.

Councilman Hosmer expressed his opinion without having a jail since April 2015 the citizens of Springfield have been in danger and feels this is the best solution for the situation the City has had to deal with.

Greg Burris, City Manager noted both Taney and Miller County have agreed to this proposed plan.

With no further appearances, the public hearing was closed.

Council Bill 2016-106. Special Ordinance 26733 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

PUBLIC IMPROVEMENTS.

GRANTS.

AMENDED BILLS.

COUNCIL BILLS FOR PUBLIC HEARING.

FIRST READING BILLS.

The following individual appeared under Petitions, Remonstrances, and Communications:

Melodee Glossip, Representative of the Springfield Bully Alliance invited Council to a viewing of the documentary “The Champions” on Saturday, June 11 at 5:30 pm. at the White River Brewing Company at 505 West Commercial Street.

Councilwoman Fulnecky asked staff to review action Council had taken and provide an update to City Council.

The following items appeared under New Business:

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| Recommended | The Public Involvement Committee recommends the following appointment to the Board of Equalization: Lyle Foster with term to expire April 1, 2019. |
| Recommended | The Public Involvement Committee recommends the following reappointment to the Board of Equalization: Joe Costello with term to expire April 1, 2019. |
| Recommended | The Public Involvement Committee recommends the following appointments to the Citizens’ Advisory Committee for Community Development: Mary Ann Jennings with term to expire May 1, 2017; Jayne Bullard with term to expire May 1, 2018; and Winter Skelton with term to expire May 1, 2019. |
| Recommended | The Public Involvement Committee recommends the following reappointments to the Citizens’ Advisory Committee for Community Development: Earle Doman and David Leehy with terms to expire May 1, 2019. |
| Recommended | The Public Involvement Committee recommends the following appointment to the Citizens Sales Tax Oversight Committee: Shawn Robertson with term May 1, 2018. |
| Recommended | The Public Involvement Committee recommends the following reappointment to the Citizens Sales Tax Oversight Committee: Bob Yeager with term to expire May 1, 2019. |
| Recommended | The Public Involvement Committee recommends the following appointment to the Springfield-Greene County Environmental Advisory Board: Robert “Melvin” Johnson with term to expire March 1, 2018. |
| Recommended | The Public Involvement Committee recommends the following appointments to the Personnel Board: Perry Epperly and Kristoffer Barefield with terms to expire |

March 1, 2019.

Recommended The Public Involvement Committee recommends the following reappointment to the Personnel Board: David Brown with term to expire March 1, 2019.

Recommended The Public Involvement Committee recommends the following appointments to Recommended the Planning and Zoning Commission: Marian Dee Ogilvy and King Coltrin with terms to expire January 1, 2020.

Recommended The Public Involvement Committee recommends the following appointment to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Derek Fraley with term to expire April 30, 2017; and Nancy Martin-Hinds with term to expire April 30, 2019.

Recommended The Public Involvement Committee recommends the following reappointment to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Justin Milam with term to expire April 30, 2019.

Recommended The Public Involvement Committee recommends the following appointment to the Landmarks Board: Wallis Nattinger with term to expire November 1, 2018.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

UNFINISHED BUSINESS.

MISCELLANEOUS.

The following bills appeared on the agenda under Consent Agenda First Reading Bills:

Agreement with Greene County for maintenance of electronic traffic control devices Sponsor: Burnett. Council Bill 2016-107. A special ordinance authorizing the City Manager, or his designee, to enter into an addendum to the Services Agreement with Greene County for the maintenance of electronic traffic control devices and to update the schedules as needed on an annual basis.

1/4 Cent Capital Improvement Sales Tax Sponsor: Fisk. Council Bill 2016-108. A special ordinance amending the budget for the Public Works Department of the City of Springfield, Missouri, for the fiscal year 2016-2017 in the amount of \$30,000,000, to appropriate the estimated proceeds from the 1/4 Cent Capital Improvement Sales Tax approved by the Springfield voters on April 5, 2016, to be used to fund the 1/4 Cent Sales Tax Capital Improvement Program for 2016-2019

1/8 Cent Transportation Sales Tax Sponsor: Schilling. Council Bill 2016-109. A special ordinance amending the budget for the Public Works Department of the City of Springfield, Missouri, for fiscal year 2016-2017 in the amount of \$20,000,000, to appropriate the estimated proceeds from the 1/8 Cent Transportation Sales Tax approved by the Springfield voters on April 5, 2016, to be used to fund the high priority transportation investments for 2017-2021

1731 North Clay Avenue

Sponsor: Ferguson. Council Bill 2016-110. A special ordinance approving the sale of real property at 1731 North Clay Avenue to John Oke-Thomas for the amount of \$11,700 and authorizing the issuance of a deed for same.

1735 North Clay Avenue

Sponsor: Ferguson. Council Bill 2016-111. A special ordinance approving the sale of real property at 1735 North Clay Avenue to John Oke-Thomas for the amount of \$11,700 and authorizing the issuance of a deed for same.

812 North Concord Avenue

Sponsor: Fulnecky. Council Bill 2016-112. A special ordinance approving the sale of real property at 812 North Concord Avenue to Robert J. Rigsby for \$1,500 and authorizing the issuance of a deed for same.

The following bill appeared on the agenda under Consent Agenda One Reading Bills:

Downtown Springfield Community Improvement District

Sponsor: McClure. Council Bill 2016-113. A resolution authorizing the City Clerk of the City of Springfield, Missouri, to verify the Petition to Amend and Restate the Petition to Establish the Downtown Springfield Community Improvement District submitted by the Downtown Springfield Community Improvement District, should said Petition meet the requirements of Sections 67.1401 to 67.1571 RSMo

Council Bill 2016-113. Resolution 10267 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

The following bills appeared on the agenda under Consent Agenda Second Reading Bills:

Preliminary Plat of Battlefield Business Center No. 12

Sponsor: Fishel. Council Bill 2016-101. A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Battlefield Business Center No. 12, generally located at 2000-2100 block of West Sunset Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2016-101. Special Ordinance 26734 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Preliminary Plat of South Creek Crossing

Sponsor: Fishel. Council Bill 2016-102. A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of South Creek Crossing, generally located at 2620 South Campbell Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2016-102. Special Ordinance 26735 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Preliminary Plat of Western Meadows

Sponsor: Ferguson. Council Bill 2016-103. A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Western Meadows, generally located at 800 block of South Waco and Miller Avenues, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2016-103. Special Ordinance 26736 was approved by the following vote: Ayes: Ferguson, Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, and Stephens. Nays: None. Absent: None. Abstain: None.

Confirmed

City Council confirmed the following appointment to the Board of Adjustment: Bryan Fisher with term to expire January 2, 2021.

Adjourn

With no further business to come before Council, the meeting adjourned at approximately 7:15 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk